

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

JULIUS WHITE,)	
)	
Petitioner,)	
)	No. 1:18-cv-136-PLC
v.)	
)	
JASON LEWIS,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

This matter is before the Court on petitioner Julius White's *pro se* petition for writ of habeas corpus, filed pursuant to 28 U.S.C. § 2254. The petition is defective because petitioner did not prepare it using the Court's form. *See* Local Rule 2.06(A). In addition, petitioner did not pay the \$5 filing fee or file a motion for leave to proceed *in forma pauperis*. The Court will therefore direct petitioner to file an amended petition using the proper form, and to either pay the \$5 filing fee or file a motion for leave to proceed *in forma pauperis*.

It is also unclear what state court judgment petitioner intends to challenge. On the first page of the petition, petitioner references *State v. Julius Lamont White*, Case No. 1522-CR05182-01 (22nd Jud. Cir. 2017).¹ Later in the petition, petitioner references *State v. Julius Lamont White*, Case No. 1522-CR04545-01 (22nd Jud. Cir. 2017).² For his grounds for relief, petitioner claims he received ineffective assistance of counsel. However, petitioner has not exhausted his state court remedies with respect to case number 1522-CR05182-01 because there,

¹ There, petitioner pled guilty on January 6, 2017 to multiple counts of robbery, armed criminal action, and resisting arrest, and was sentenced on that same date to serve a total of seventeen years' imprisonment, such sentence to run concurrently with all counts and with case number 1522-CR04545-01.

² There, a jury convicted petitioner of second-degree robbery on November 15, 2016, and petitioner was sentenced on January 6, 2017 to a seven-year term of incarceration.

he filed a motion for post-conviction relief under Missouri Supreme Court Rule 24.035 which, as of the date of this Memorandum and Order, remains pending before the state motion court. *See Julius White v. State of Missouri*, Case No. 1722-CC00299 (22nd Jud. Cir. 2017). While a habeas petitioner is not precluded from challenging more than one judgment in a § 2254 petition so long as they arise from the same state court, there is some question whether petitioner actually intends to challenge the judgment entered in case number 1522-CR05182-01. In addition, a writ of habeas corpus shall not be granted unless it appears that, *inter alia*, the petitioner has exhausted the remedies available in the state courts, and petitioner has not done so with respect to case number 1522-CR05182-01. In the amended petition, petitioner must clearly specify the state court judgment or judgments he intends to challenge.

Accordingly,

IT IS HEREBY ORDERED that, no later than thirty (30) days from the date of this Memorandum and Order, petitioner must either pay the \$5 filing fee, or file a motion for leave to proceed *in forma pauperis*.

IT IS FURTHER ORDERED that the Clerk shall mail to petitioner a Motion to Proceed In Forma Pauperis and Affidavit – Habeas form, and a section 2254 Petition for Writ of Habeas Corpus form.

IT IS FURTHER ORDERED that, within thirty (30) days of the date of this Memorandum and Order, petitioner must file an amended petition on the Court's form.

Petitioner is cautioned that his failure to timely comply with this Memorandum and Order may result in the dismissal of this case.

A handwritten signature in blue ink, reading "Patricia L. Cohen", is positioned above a horizontal line.

PATRICIA L. COHEN
UNITED STATES MAGISTRATE JUDGE

Dated this 24th day of September, 2018